

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DEBORAH A. ORTMEIER, an Individual;

Plaintiff,

vs.

FIRST NATIONAL BANK OF OMAHA, A  
Nationally Chartered Bank;

Defendant.

8:21CV92

THIRD AMENDED  
CASE PROGRESSION ORDER

This matter comes before the Court on the parties' Second Joint Motion to Amend Progression Order Dates ([Filing No. 46](#)). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

**IT IS ORDERED** that the Second Joint Motion to Amend Progression Order Dates ([Filing No. 46](#)) is granted, and the second amended case progression order is amended as follows:

- 1) Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **January 13, 2023**.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 2) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **January 27, 2023**.
- 3) The deadline for filing motions to dismiss and motions for summary judgment by Defendant is **January 27, 2023**. If after Defendant files a motion for summary judgment Plaintiff decides to cross-move for summary judgment on any claims, the parties shall within 7-days submit a proposed three (3) brief schedule instead of five (5) briefs, including a date for Plaintiff's combined brief in response to Defendant's motion and in support of Plaintiff's cross-motion, Defendant's combined response and reply brief, and Plaintiff's reply brief.
- 4) The parties shall contact chambers of the undersigned magistrate judge to schedule a second settlement conference session, if desired and within 7-days after the Court rules on any dispositive motions to schedule a planning conference to discuss the trial and pretrial conference settings, if necessary.
- 5) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

- 6) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 8<sup>th</sup> day of December, 2022.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge